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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,684	08/05/2003	Mitsuhiro Naitou	116184	6874

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EXAMINER

WEINMAN, SEAN M

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/633,684	Applicant(s) NAITOU ET AL.	
	Examiner Sean Weinman	Art Unit 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 14 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,7,9,12,15,16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7,9,12,15,16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the amendment filed on April 14, 2006. *Claims 2, 3, 5, 6, 8, 10, 11, 13, 14, and 17* are cancelled. *Claims 1, 4, 7, 9, 12, 15, 16, 18-23* are pending.

5

Drawings

The drawings/specification were received on April 14, 2006. These drawings are acceptable.

10

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

15

Claims 1, 4, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the receipt of startup signals" in line 7 of the respective claim. There is insufficient antecedent basis for this limitation in the claim.

20

Claims 4 and 7 are rejected as incorporating the deficiencies of a claim upon which they depend.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

5 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10 *Claims 1, 4, 7, 9, 12, 15, 16, 18-23* are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirkhart et al. (US Patent No. 6,282,495) in view of Bokhorst et al. (US Patent No. 6,192,230), and further in view of Ikeda (US Patent Application Publication 2002/0174360).

As per claim 1, Kirkhart et al teaches the claimed invention comprising:

A power management system for a communication device (*Col. 1 lines 57-58*), comprising:

15 a main electric power supply for supplying electric power (*Figure 2 reference character 48*);

an accessory-signal generating device (*Col. 5 lines 43-57. Kirkhart et al. does not explicitly detail an accessory-signal generating device but it is inherent that one must be present in order to inform the navigation system whether the engine is running or the vehicle is*
20 *occupied*);

the communication device (*Figure 2 Reference character 20*);

a storage device for storing data, the storage device being activated upon the receipt of startup signals from a startup management device (*Figure 2 reference character 48, Col. 2 lines 65-67, and Col. 4 lines 61-65*) ; and

25 a power management device for supplying the electric power from the main electric power supply to the communication device and the storage device if the accessory-signal

generating device is not generating accessory signals and the communication device is in a communication-ready state (*Figure 4 Reference character 93 and Col. 4 lines 61-65 and Col. 5 lines 8-16*).

Kirkhart et al., however, does not teach the power management system supplying power to the communication device when there exists an access point through which communication is established. Additionally, Kirkhart et al. does not teach that the communication device is in a ready state the instant the accessory signal is turned off and the access point authenticates the communication device. Additionally, Kirkhart et al. does not teach that the data transmitted is one of a route search, program updates, facility data, music data, video data, application programs, and entertainment software. Specifically, Kirkhart et al. teach a power management system for wireless communication, which supplies power to communication devices when they are in a ready state, and an accessory signal is not present. Additionally, Kirkhart et al. teach supplying one communication device upon reception of a startup signal from a second communication device. One of ordinary skill in the art would have been motivated to look for a teaching for a power management system which supplies power to the communication device when there exists an access point through which communication is established. Additionally, one of ordinary skill would have been motivated to where the transmitted data includes one of a route search, program updates, facility data, music data, video data, application programs, and entertainment software.

Bokhorst et al. teach a wireless communication system with a power management system, which supplies power to a communication device upon detecting communication between the communication device and an access point. Bokhorst et al. teach that a power

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management device supplies electric power to the communication device if there exists an access point through which communication with the communication device is established (*Col. 4 lines 27-32 and 66-67 and Col. 5 lines 1-4 and Col. 6 lines 24-35*). Additionally, Bokhorst et al. teach authenticating the communication device and determines whether the communication device is in a communication ready state the instant that the accessory signal-generating device is turned off. Bokhorst et al. teach that the access point authenticates the first communication device (*Col. 10 lines 34-38*) as well as the power management device determining whether the communication device is in a communication-ready state at substantially the instant that the accessory-signal generating device is turned off (*Col. 4 lines 27-32 and 66-67 and Col. 5 lines 1-4 and Col. 6 lines 24-35*). In summary, Bokhorst et al. teaches a power management system which supplies power to a communication device when a communication link is established with a network access point and also teaches determining that the communication device is in a ready state the instant the accessory signal is turned off and the access point authenticates the communication device.

It would have been obvious to one of ordinary skill in the art to combine the teachings of Kirkhart et al. and Bokhorst et al. because they both teach power management systems for communication devices. Bokhorst et al. covers the deficiency of Kirkhart et al. by teaching the detail of the power management system supplying power to the communication device when there exists an access point through which communication is established as well as determining that the communication device is in a ready state the instant the accessory signal is turned off and the access point authenticates the communication device.

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Ikeda teaches a communication device or navigation device which can receive a transmitted program update over a wireless network through a server or access point. Ikeda teach the claimed invention comprising wherein the transmitted and stored data includes at least one of results of a route search, program updates, facility data, music data, video data, application programs, and entertainment software (*Paragraphs [0162]-[0164] and [0171]*). In summary, Ikeda teaches a system that transfers program updates from an access point or server through a wireless network to a navigation system.

It would have been obvious to combine the teachings of Kirkhart et al., Bokhorst et al., and Ikeda because they all teach the communication devices which transfer data over wireless networks. Ikeda teaches the deficiency of Kirkhart et al. and Bokhorst et al. by teaching that the system transfers program updates from the access point or server to the navigation system.

As per claims 4 and 12, Kirkhart et al teaches the claimed invention comprising: the power management device supplies the electric power to the first communication device if a volume of communication traffic between the first communication device and the access point is greater than a predetermined volume (*Col 1 lines 53-67 and Col. 2 lines 1-6 and Col. 4 lines 27-32 and Col. 6 lines 63-57*).

As per claims 7 and 15, Kirkhart et al teaches the claimed invention comprising: the first communication device is a wireless LAN (Figure 1 Reference character 10 and Col. 3 lines 13-14).

As per claim 9, Kirkhart et al. teaches the claimed invention comprising:

A power management system for a communication device (*Col. 1 lines 57-58*), comprising:

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a main electric power supply for supplying electric power (*Figure 2 reference character 48*);

an accessory-signal generating device (*Col. 5 lines 43-57. Kirkhart et al. does not explicitly detail an accessory-signal generating device but it is inherent that one must be present in order to inform the navigation system whether the engine is running or the vehicle is occupied*);

a first communication device for communication with an access point (*Figure 2 Reference character 20*);

a second communication device (*Figure 2 Reference character 44 and Col. 5 lines 26-30*);

a storage device for storing data transmitted from the access point via the first communication device (*Figure 2 reference character 48, Col. 2 lines 65-67, and Col. 4 lines 61-65*);

a power management device for supplying the electric power from the main electric power supply to the second communication device and the storage device if the accessory-signal generating device is not generating accessory signals and the first communication device is in a communication-ready state (*Figure 4 Reference character 93 and Col. 4 lines 61-65 and Col. 5 lines 8-16*); and

a startup management device for activating at least the first communication device upon receipt of startup-signals from the second communication device (*Col. 5 lines 26-37*).

Kirkhart et al., however, does not teach the power management system supplying power to the communication device when there exists an access point through which communication is established. Additionally, Kirkhart et al. does not teach that the communication device and the

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storage device is in a ready state the instant the accessory signal is turned off and the access point authenticates the communication device. Additionally, Kirkhart et al. does not teach that the data transmitted is one of a route search, program updates, facility data, music data, video data, application programs, and entertainment software.

5 Bokhorst et al. teach a wireless communication system with a power management system, which supplies power to a communication device upon detecting communication between the communication device and an access point. Bokhorst et al. teach that a power management device supplies electric power to the communication device and storage device if there exists an access point through which communication with the communication device is
10 established (*Col. 4 lines 27-32 and 66-67 and Col. 5 lines 1-4 and Col. 6 lines 24-35*).
Additionally, Bokhorst et al. teach authenticating the communication device and storage device and determines whether the communication device is in a communication ready state the instant that the accessory signal-generating device is turned off. Bokhorst et al. teach that the access point authenticates the first communication device (*Col. 10 lines 34-38*) as well as the power
15 management device determining whether the communication device is in a communication-ready state at substantially the instant that the accessory-signal generating device is turned off (*Col. 4 lines 27-32 and 66-67 and Col. 5 lines 1-4 and Col. 6 lines 24-35*).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Kirkhart et al. and Bokhorst et al. for the reasons stated above.

20 Ikeda teaches a communication device or navigation device which can receive a transmitted program update over a wireless network through a server or access point. Ikeda teach the claimed invention comprising wherein the transmitted and stored data includes at least one of

results of a route search, program updates, facility data, music data, video data, application programs, and entertainment software (*Paragraphs [0162]-[0164] and [0171]*).

It would have been obvious to combine the teachings of Kirkhart et al., Bokhorst et al., and Ikeda for the reasons stated above.

5 *As per claim 16*, Kirkhart et al. teach the claimed invention, comprising:
 the second communication device is a specific low-power radio communication device
 (*Figure 2 Reference character 44 and Col. 5 lines 26-30*).

As per claim 18, Kirkhart et al. teach the claimed invention, comprising:

a storage device for storing data transmitted from the first communication device (*Col. 2*
10 *line 67 and Col. 3 lines 1-5*).

As per claim 19, Kirkhart et al. teach the claimed invention, comprising:

wherein the startup-signals are generated by the second communication device when the second communication device receives a transmission from a remote device (*Figure 2 Reference character 44 and Col. 5 lines 26-30*).

15 *As per claims 20-23*, it is directed to the method of managing a power supply for the communication apparatus as set forth in claims 1 and 9. Since Kirkhart et al. teach the claimed power management system for a communication apparatus, Kirkhart et al. teach the method of managing the power supply for the communication apparatus.

20 *Response to Arguments*

Applicant's arguments with respect to *claims 1, 4, 7, 9, 12, 13, 15, 16, 18, and 20-23* have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

5 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
10 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Weinman whose phone number is (571) 272-2744. The
15 examiner can normally be reached on Monday-Friday from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (571) 272-3667. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent
20 Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sean Weinman
Examiner
Art Unit 2115

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A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line that tapers off to the right.